

Notice of Allowability

Application No.

10/642,683

Applicant(s)

SHIRAI, YASUO

Examiner

Vikram P. Sundararaman

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application No. 10/642,683 filed on August 19, 2003.
2. ☒ The allowed claim(s) is/are 1-4 and 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

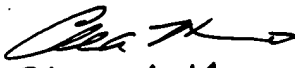
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 11/19/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


 Charles A. Marmor, II
 STE, Art Unit 3735

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Daniel Moon (Attorney Registration Number 48,214) on May 11, 2006.

The application has been amended as follows:

- a. In **Claim 1, Line 11**, the phrase -- and a processor for calculating the amount of sebum on the skin surface from the intensity of the reflection light received by the photoreceiving element -- has been added after "other."
- b. In **Claim 4, Line 20**, the phrase -- and wherein a moisture sensor for measuring the moisture contact of skins is disposed to the measuring head on the side of the skin contact surface -- has been added after "device."
- c. **Claim 5** has been cancelled.

REASONS FOR ALLOWANCE

2. **Claims 1 and Claim 4** have been amended. **Claim 5** has been cancelled.
3. **Claims 1-4 and 6** are allowed.
4. The following is an examiner's statement of reasons for allowance:

- d. Claim 1: Claim 1 is allowable in that none of the art show a device that measures a sebum amount using a prism, wherein:
- i. Two reflection surfaces are orthogonal with each other and one of the reflection surfaces is exposed as the sebum sampling surface; and
 - ii. A light emitting element and photoreceiving element are located being opposed to the hypotenuse surface at the back of the orthogonal prism, with their optical axes being parallel to each other.

Claim 1, however, as originally written only required that a similar structure be capable of performing the function of measuring a sebum content. It did not require actually determining a sebum amount. Iwasaki, US 6,794,633 B2, teaches "a sheet detecting device and image forming apparatus," which provides an orthogonal prism, light emitting element, and a photoreceiving element structurally similar to the invention as claimed, which is capable of performing the function of measuring a sebum content. Examiner telephoned the applicant and indicated that if the claim was amended to include the phrase "and a processor for calculating the amount of sebum on the skin surface from the intensity of the reflection light received by the photoreceiving element," it would be allowable over the prior art. Applicant agreed to the amendment.

- e. Claims 2,3,& 6: Dependent upon independent allowed Claim 1.
- f. Claim 4: Claim 4 is allowable in that none of the art show a device that measures a sebum amount using a prism, wherein:

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- iii. Two reflection surfaces are orthogonal with each other and one of the reflection surfaces is exposed as the sebum sampling surface; and
- iv. A light emitting element and photoreceiving element are located being opposed to the hypotenuse surface at the back of the orthogonal prism, with their optical axes being parallel to each other;

Furthermore, none of the prior art shows a device that, in addition to the above limitations, includes an imaging device and a moisture sensor disposed to the measuring head on the side of the skin contact surface. Claim 4 as originally written did not include a moisture sensor disposed to the measuring head on the side of the skin contact surface. Gaffard, US 4,265,539, teaches a "device which measures the mutual coherence function of a laser beam, [Title] which includes all of the structural elements of Claim 4 as it was originally written. Examiner telephoned the applicant and suggested that if the claim language of Claim 5 was added to the independent Claim 4, at the end of the claim, that it would be allowable. The Applicant agreed to make the amendment.

- 5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments of Statement of Reasons for Allowance."

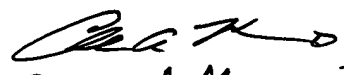
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikram P. Sundararaman whose telephone number is 571-272-3351. The examiner can normally be reached on M-F, 730am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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